

(2) That the aforesaid Luther G. Diggs obtained Title to Parcel 1 of the above described property by virtue of a deed dated March 29, 1919, from Jacob M. Kanode and Ella N. Kanode, his wife, but although Mr. Diggs took physical possession of said property and kept it properly enclosed, he did not record his deed from Mr. and Mrs. Kanode until December 16, 1947. (A copy of said deed is attached hereto as Complaint Exhibit "B".)

(3) Said Jacob M. Kanode predeceased his wife Ella N. Kanode, who, in turn, died March 31, 1944, with a Will leaving all of her property equally to her two sons, Charles E. Kanode and Ralph G. Kanode, who along with their wives deeded said property to Owen H. Fawley and Nannie B. Fawley, his wife, under date of February 21, 1945, and which deed was recorded March 12, 1946, in Liber 452 Folio 398 of the land records of Frederick County, Maryland. (A copy of said deed is attached hereto and made a part hereof as Complaint Exhibit "C").

(4) The property deeded to Mr. and Mrs. Fawley in February 1946 generally described (at parcel 4 thereof) land which was previously deeded to Luther G. Diggs in March of 1919 but which was not recorded until December of 1947 and therefore created a possible cloud on the Title of Mr. Diggs and Plaintiffs herein as his grantees.

(5) That said Nannie B. Fawley predeceased her husband (Owen H. Fawley) who, in turn, died December 8, 1951, leaving his property to his children in equal shares.

(6) That Holden S. Felton, the Executor of Mr. Fawley's Estate, pursuant to an Order of the Orphans' Court, did sell the real property of the Fawley Estate to H. R. Savage and Osie B. Savage, his wife, and conveyed Title to them by deed dated July 22, 1952, and recorded September 4, 1952, in Liber 506 Folio 161, among the land records of Frederick County. (A copy of which is attached hereto as Complaint Exhibit "D".)

(7) Said H.R. Savage predeceased his wife, Osie B. Savage who, in turn, died February 1, 1960, and devised the subject property to her daughter the

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